

PROB 12B
(7/13)SWPA

UNITED STATES DISTRICT COURT

for

EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ OCT 01 2014 ★
BROOKLYN OFFICE

Request for Modifying the Conditions or Term of Supervision with Consent of the Offender

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Pietro Polouizzi

Case Number: 0207 1:06CR00022

Name of Sentencing Judicial Officer: The Honorable Jack B. Weinstein, Senior U.S. District Judge

Date of Original Sentence: 4/1/2008, and resentenced on 1/13/2011

Original Offense: 4 counts of Receipt of Child Pornography, violations of 18 USC 2252(a)(2) and (b)(1); and Possession of Child Pornography, a violation of 18 USC 2252(a)(4)(B) and (b)(2).

Original Sentence: 5 years custody, 5 years supervised release, a \$500 special assessment fee, and a \$50,000 fine. The following special conditions were also imposed: 1) participate in a psychiatric treatment program as directed by the Probation Department; 2) search condition; 3) polygraph testing, psychological examinations and treatment as directed by the Probation Department; and 4) the defendant is to register as a sex offender.

Type of Supervision: TSR

Date Supervision Commenced: 9/8/2014

PETITIONING THE COURT

- ☐ To extend the term of supervision for years, for a total term of years.
- ☒ To modify the conditions of supervision as follows:

The defendant shall participate in a mental health treatment program, which may include participation in a treatment program for sexual disorders, as approved by the Probation Dept. The defendant shall contribute to the cost of such services rendered or any psychotropic medications prescribed via co-payment or full payment in an amount to be determined by the Probation Department, based upon the defendant's ability to pay and/or the availability of third party payment. As part of the treatment program for sexual disorders, the defendant shall participate in a polygraph examination(s) to obtain information necessary for risk management and correctional treatment.

The defendant is not to use a computer, Internet capable device, or similar electronic device to access pornography of any kind. The term "pornography" shall include images or video of adults or minors engaged in "sexually explicit conduct" as that term is defined in Title 18, United States Code, Section 2256(2). The defendant shall also not use a computer, Internet capable device or similar electronic device to view images of naked children. The defendant shall not use his/her computer to view pornography or images of naked children stored on related computer media, such as CD's or DVD's, and shall not communicate via his computer with any individual or group who promotes the sexual abuse of children. The defendant shall also cooperate with the U.S. Probation Department's Computer and Internet Monitoring program. Cooperation shall include, but not

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be limited to, identifying computer systems, Internet capable devices, and/or similar electronic devices the defendant has access to, and allowing the installation of monitoring software/hardware on said devices, at the defendant's expense. The defendant shall inform all parties that access a monitored computer, or similar electronic device, that the device is subject to search and monitoring. The defendant may be limited to possessing only one personal Internet capable device, to facilitate our department's ability to effectively monitor his/her Internet related activities. The defendant shall also permit random examinations of said computer systems, Internet capable devices, similar electronic devices, and related computer media, such as CD's, under his/her control.

CAUSE

By way of background, the offender's instant offense involved him utilizing the Internet to access and download child pornography. Additionally, he was a paid member to several child pornography websites. In total, the offender had in excess of 5,000 images and 250 videos of child pornography. Based on same, the Probation Department believes that it is imperative to monitor the offender's computer use and to have him enrolled in a sex offender treatment program. Both conditions are necessary in order for us to effectuate appropriate supervision of this case. As such, we respectfully request that Your Honor modify his conditions to include same. On September 9, 2014, the offender was presented with and signed the attached Probation Form 49, waiving his rights to a hearing and accepting the proposed modifications.

Respectfully submitted,



Erin L. Weinrauch
U.S. Probation Officer
Date: September 15, 2014

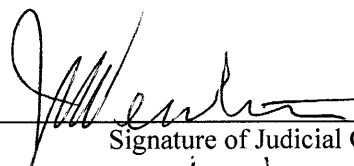
Approved by,



Lawrence M. Andres, Jr.
Supervising U.S. Probation Officer
Date: 9/15/2014

THE COURT ORDERS:

- ☐ No Action.
- ☐ The extension of supervision as noted above.
- ☒ The modification of conditions as noted above.
- ☐ Other



Signature of Judicial Officer
9/29/14

Date

PROB 49
(3/89)

United States District Court

EASTERN District NEW YORK

Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

The defendant shall participate in a mental health treatment program, which may include participation in a treatment program for sexual disorders, as approved by the Probation Department. The defendant shall contribute to the cost of such services rendered and/or any psychotropic medications prescribed to the degree he or she is reasonably able, and shall cooperate in securing any applicable third-party payment. The defendant shall disclose all financial information and documents to the Probation Department to assess his or her ability to pay. As part of the treatment program for sexual disorders, the defendant shall participate in a polygraph examination(s) to obtain information necessary for risk management and correctional treatment.

The defendant is not to use a computer, Internet capable device, or similar electronic device to access pornography of any kind. The term "pornography" shall include images or video of adults or minors engaged in "sexually explicit conduct" as that term is defined in Title 18, United States Code, Section 2256(2). The defendant shall also not use a computer, Internet capable device or similar electronic device to view images of naked children. The defendant shall not use his/her computer to view pornography or images of naked children stored on related computer media, such as CD's or DVD's, and shall not communicate via his computer with any individual or group who promotes the sexual abuse of children. The defendant shall also cooperate with the U.S. Probation Department's Computer and Internet Monitoring program. Cooperation shall include, but not be limited to, identifying computer systems, Internet capable devices, and/or similar electronic devices the defendant has access to, and allowing the installation of monitoring software/hardware on said devices, at the defendant's expense. The defendant shall inform all parties that access a monitored computer, or similar electronic device, that the device is subject to search and monitoring. The defendant may be limited to possessing only one personal Internet capable device, to facilitate our department's ability to effectively monitor his/her Internet related activities. The defendant shall also permit random examinations of said computer systems, Internet capable devices, similar electronic devices, and related computer media, such as CD's, under his/her control.

Witness



U.S. Probation Officer

Signed



Probationer or Supervised Releasee

9/9/14

Date